

RAISING OF LEVEL OF LAKE ST. FRANCIS

Exchange of notes at Washington November 10, 1941

Entered into force November 10, 1941

Extended by agreements of October 5 and 9, 1942;¹ October 5 and 9, 1943;² and August 31 and September 7, 1944³

56 Stat. 1832; Executive Agreement Series 291

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

WASHINGTON

November 10th, 1941

No. 682

SIR:

I have the honour, on the instructions of my Government, to enquire whether the Government of the United States would agree to a temporary raising of the level of Lake St. Francis during low water periods, for the reasons and in the circumstances hereinafter set out:

1. The Beauharnois Light, Heat and Power Company has for some years, under the authority of the Parliament and Government of Canada, diverted water from Lake St. Francis for the development of hydro-electric power.

2. In order to conserve the supply of power in the lower St. Lawrence, which is needed to continue the existing export of power for aluminum production at Massena, New York, the Company have asked the Canadian Government for authority to maintain the level of Lake St. Francis at 152.0 during low water periods, subject to the maintenance of the normal regimen of the Lake for levels above that elevation.

3. During these periods the water level of the Lake has fallen to 150.0 and may even fall to a lower level, whereas the mean level of the Lake is 151.7 and the normal high water 154.0. Extreme high water may go to above elevation 155.75.

4. To provide for the maintenance of the Lake level, the Company is presently installing a temporary dam to partially close the existing gap at the head of the Coteau Rapids, and have in contemplation for next season the

¹ 56 Stat. 1832; EAS 291.

² 57 Stat. 1366; EAS 377.

³ 58 Stat. 1437; EAS 424.

construction of a permanent dam to close the gap completely, but this will not assure their output during low water periods unless they are permitted to maintain the Lake level at 152.0 as above. The regulation of the level of the Lake to 152.0 will not only be of benefit to the Beauharnois output in this vital period but will assure continuous 14 ft. depth for navigation in the Cornwall Canal, and may maintain more satisfactory shore conditions during low water periods.

5. The proposal would result in an increase, in low water periods, in the natural levels on the United States side of the St. Lawrence River near the head of Lake St. Francis.

In view of the importance to both Canada and the United States of America of the conservation of the power supply in this area, the Canadian Government proposes that both Governments should agree to permit the maintenance of the level of Lake St. Francis at 152.0 during low water periods, subject to the maintenance of the normal regimen of the Lake for levels above that elevation. The proposed agreement would expire on October 1st, 1942.

If the foregoing is acceptable to your Government, this note and your reply thereto shall be regarded as constituting a special agreement between the two Governments within the meaning of Article 4 of the Boundary Waters Treaty of 1909.⁴

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

H. H. WRONG
For the Minister

The Hon. CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
WASHINGTON
November 10, 1941

SIR:

I have the honor to inform you that the Government of the United States concurs in the proposals contained in your note of November 10 regarding the temporary raising of the level of Lake St. Francis during low water periods. The Government of the United States attaches importance to the understanding that this agreement authorizing the raising of the level of Lake St.

⁴ TS 548, *post*, UNITED KINGDOM.

Francis is temporary, and that this action shall not be deemed to create any vested or other right calling for or implying an extension of the authority to raise the level of Lake St. Francis beyond October 1, 1942.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

A. A. BERLE, Jr.

The Honorable

LEIGHTON MCCARTHY, K.C.,

Minister of Canada.